

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW SWAINSON

v.

JEROME WALSH, ET AL.

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CIVIL ACTION

NO. 12-165

ORDER

AND NOW, this 15th day of July, 2014, upon careful and independent consideration of the Petition for Writ of Habeas Corpus (Docket No. 1), Petitioner's Motion for an Evidentiary Hearing (Docket No. 15), Petitioner's Motion for Discovery (Docket No. 16), Magistrate Judge Timothy R. Rice's Report and Recommendation (Docket No. 28), Petitioner's Objections to the Magistrate Judge's Report and Recommendation (Docket No. 35), and all documents filed in connection therewith, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Petitioner's Objections are **OVERRULED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.
3. The Petition for Writ of Habeas Corpus is **DISMISSED**.
4. Petitioner's Motion for an Evidentiary Hearing is **DENIED**.
5. Petitioner's Motion for Discovery is **DENIED**.
6. Because Petitioner has failed to make a substantial showing of the denial of constitutional right or demonstrated that a reasonable jurist would debate the correctness of this ruling, the Court declines to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

7. The Clerk shall **CLOSE** this case.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.